

Notice of Ruling

The Joint CLEC Motion to Strike Portions of SBC Illinois' Direct Testimony and Request for Expedited Ruling, filed on February 4, 2004, is herewith denied. Here are the main reasons:

- (1) The Motion asks for extraordinary relief that requires both additional detail and the type of study that cannot be expedited on a piecemeal basis.
- (2) Based on your ALJ's experience, the Commission does not favor this type of relief.
- (3) The trier of fact in this instance will not be prejudiced by exposure to evidence that might ultimately be found irrelevant. That type of sorting is the nature of the ALJs work.
- (4) The testimony at issue in the motion can be fully tested, contradicted, rebutted or argued as irrelevant by Movants if they hold to this theory.
- (5) So too, if the testimony were stricken as requested, SBC Illinois would surely make it part of the record under an "Offer of Proof." In the long term, the fallout might have far more negative implications than what the Movants perceive today.

Further, the relief further requested in Supplement to the Joint CLEC Motion is denied as to schedule, even as discovery may continue. In this proceeding where time is of the essence, I note that the Surrebuttal Testimony filing date for ILECs and CLECs, i.e., February 27, 2004, is sufficiently out in the future

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